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SUBJECT: Update on the UN Justice Mapping Project

¶1. (SBU) Summary: The UN Justice Mapping Project for the DRC began its six month deployment phase on October 17. The project has field teams in North Kivu, South Kivu, Katanga, and Orientale provinces as of October 24. The three main objectives of the Mapping Project are to conduct an inventory of the most serious human rights violations committed between March 1993 and June 2003; to assess existing capacities within the Congolese justice system; and to develop recommendations to assist the GDRC in identifying appropriate transitional justice mechanisms. The project team does not have a mandate to conduct a full-fledged criminal investigation, but rather to gather and analyze evidence. The project plans to deliver its final report to the Office of the High Commissioner for Human Rights (OHCHR) on June 1, 2009. The team estimates that it needs an additional \$1.2 million for the project, and the Project Director inquired if the USG would be willing to contribute. The GDRC has cooperated with the team. End Summary.

¶2. (SBU) The UN Justice Mapping Project for the DRC officially began its six month deployment phase on October 17, according to the Project Director, Luc Cote, who briefed the diplomatic corps on November 11. Field teams went out to four provinces: North Kivu, South Kivu, Katanga, and Orientale, beginning October 24. The project team has already assembled over 500 documents from various UN agencies and international NGO's covering human rights abuses during the ten year period (1993 to 2003), which the project is examining.

Project Objectives

¶3. (SBU) The project has three main objectives. First, the team aims to conduct an inventory of the most serious human rights violations committed within the DRC between March 1993 and June 2003. It will collect and analyze all existing information, corroborate such information by independent sources, investigate serious incidents not previously reported or documented, and prepare analysis of specific patterns of abuse such as sexual violence, use of child soldiers, etc.

¶4. (SBU) The second objective is to assess the existing capacities of the Congolese justice system to address human rights violations that may be uncovered during the exercise. The project team will analyze existing reports assessing the Congolese justice system, review recent Congolese case law, interview different actors within the civil and military justice systems, and prepare an assessment taking into account international guidelines.

¶5. (SBU) The third objective is to develop a series of options to assist the GDRC in identifying appropriate transitional justice mechanisms to address past human rights violations. The project team plans to analyze recent transitional justice experiences conducted in the DRC by reviewing existing reports on transitional justice issues, interview different experts and actors in DRC transitional justice, and formulate options of transitional justice mechanisms based on the findings of the mapping exercise and the

capacity of the Congolese justice system.

Methodology

¶16. (SBU) The project team does not have a mandate to conduct a full-fledged criminal investigation, but merely to gather and analyze evidence. According to Cote, the team has limited its methodology to agree with its UN mandate and its limited time and budget. It will be using a threshold to determine which cases to include in its final report. The more serious the crime, i.e. deprivation of life, the more likely it will be covered.

¶17. (SBU) The standard of evidence that the team will use will not be the same as for a criminal case, but rather will be "reasonable suspicion." According to Cote, the project team will not try to establish individual criminal liability. Thus, the identity of individual perpetrators will be kept confidential. Criminal liability will be established by the transitional justice mechanism after the close of the Justice Mapping Project.

¶18. (SBU) The team will not collect and safeguard individual physical evidence. However, there is an exception if the investigator has reasonable doubt that the evidence will become lost or destroyed, if it is not immediately safeguarded.

Project Timeline

¶19. (SBU) Cote explained that the Justice Mapping Project is divided into three phases: pre-deployment, deployment, and post-deployment.

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The three-month pre-deployment phase concluded on October 17. The Director organized logistical support, completed the recruitment process, prepared detailed Terms of Reference, and developed training sessions and documents for the field teams.

¶10. (SBU) During the six month deployment phase, from October 17, 2008 to April 17, 2009, the project team will set up offices in the four provinces, conduct investigations, collect and analyze information, assess judicial capacity, and assess the needs and types of transitional justice mechanisms.

¶11. (SBU) The post-deployment phase is scheduled for April 17, 2009 to June 1, 2009. This phase includes drafting the final report, archiving all documents, and closing down the project. The team's goal is to deliver the final report to the OHCHR in Geneva on June ¶1. After the OHCHR and the UNSG review the report, the GDRC will be given a chance to review and respond. According to Cote, the goal is to make the report public before the end of 2009.

Funding Appeal

¶12. (SBU) In mid-2007, the project had an original budget of \$2.5 million. Following an in-depth review of the budget and re-evaluation of the real cost for staff and DRC operations, the project team now estimates the budget to be \$3.7 million. It has sent out a funding appeal for the \$1.2 million shortfall. Existing donors include the governments of Belgium, Canada, Germany, Netherlands, UK, Switzerland, and Sweden. Cote asked if the USG would be willing to contribute.

¶13. (SBU) Comment: After a delay in the start of the project to raise initial funds and to recruit a Project Director, the Justice Mapping Project is finally underway. The methodology of the project will keep the names of individual perpetrators confidential, thus avoiding potential conflicts with prominent individuals. The project team has full government cooperation at this stage. However, it remains to be seen how much real political will exists to address past human rights abuses and war crimes through any recommended transitional justice mechanisms. End Comment.

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